

26790. Table and cooking oil. (F.D.C. No. 44231. S. No. 90-650 P.)

QUANTITY: 30 cases, 12 ½-gal. cans each, at Boston, Mass.

SHIPPED: Prior to 12-31-59, from outside the State of Massachusetts.

LABEL IN PART: (Can) "La Regina Brand High Grade Family Oil. This can contains 95% high grade vegetable oil and 5% imported olive oil with color added. Packed by A. Accardi Co., Boston, Mass."

RESULTS OF INVESTIGATION: Examination showed the article to be cottonseed oil which had been packed by Catania-Spagna Corp., Somerville, Mass., into cans furnished by A. Accardi Co.

LIBELED: 2-8-60, Dist. Mass.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, olive oil, had been in whole or in part omitted or abstracted from the article; 403(a)—the label statement "5% Imported Olive Oil" was false and misleading; and 403(i)(1)—the article consisted of cottonseed oil and its label failed to bear the common or usual name of the article, since "Family Oil" is not the common or usual name of cottonseed oil.

DISPOSITION: 4-7-60. Consent—claimed by A. Accardi Co., Boston, Mass., and relabeled.

OLEOMARGARINE

26791. Oleomargarine. (F.D.C. No. 44359. S. No. 90-668 P.)

QUANTITY: 6 ctns., 30 1-lb. prints each, and 38 1-lb. prints at Central Falls, R. I., in possession of Gordon's Meat Market.

SHIPPED: 1-26-60, from Cambridge, Mass.

RESULTS OF INVESTIGATION: The 1-lb. prints of oleomargarine were individually wrapped and properly labeled when shipped. After arrival of the oleomargarine at Central Falls, R.I., Gordon's Meat Market removed the labeled wrappers from the 1-lb. prints and offered them for sale as butter.

LIBELED: 3-2-60, Dist. R.I.

CHARGE: 403(b)—while held for sale, the article was offered for sale under the name of another food, namely, butter; 403(e)—the label of the article failed to contain (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; and 403(g)(2)—the article purported to be oleomargarine, a food for which a definition and standard of identity has been prescribed by regulations, and the label of the article failed to bear the name of the food specified in the definition and standard and the common names of the optional ingredients (other than spices, flavoring, and coloring) present in the article.

DISPOSITION: 3-29-60. Default—delivered to a public institution.

SPICES, FLAVORS, AND SEASONING MATERIALS

26792. Paprika. (F.D.C. No. 44495. S. No. 42-264 R.)

QUANTITY: 164 100-lb. bags at San Francisco, Calif.

SHIPPED: 5-6-57, from Yugoslavia.

LIBELED: 6-9-60, N. Dist. Calif.

CHARGE: 402(a)(3)—contained insect excreta, insect webbing, and insect fragments while held for sale.

DISPOSITION: 8-10-60. Default—destruction.